

REMARKS

Initially, Applicant's undersigned Attorney expresses appreciation to the Examiner for the courtesy extended during a telephone interview on November 2, 2004, regarding the present application. Applicant has amended Claim 1 and 34 in a manner consistent with that specified during the telephone interview. As such, Applicant submits that it has overcome the rejection under 35 USC § 112.

Further, Applicant submits that independent Claims 1 and 34 are allowable for the reasons discussed during the telephone interview. In particular, method Claims 1 and 34 are each directed to the filling of a plurality of syringe bodies, wherein for each syringe body of the plurality of syringe bodies the methods include the following steps: holding the syringe body in at least one holder, removing a cap from a dispensing end of the syringe body during the holding step, filling the syringe body at the dispensing end thereof after the removing step and during the holding step, and replacing a cap removed during the removing step for one of the plurality of syringe bodies on the dispensing end of the syringe body after the filling step and during the holding step.

Ortiz et al. fails to disclose the noted combination of steps of Claims 1 and 34. In particular, and as discussed with the Examiner during the interview, Ortiz et al. discloses a filling machine 10 which removes tips 22 from sterile delivery devices 12 at a tip removing station 54 and positions caps 88 on the sterile delivery devices 12 at sealing station 84. (See, e.g. FIGS. 7A-7G).


Based upon the foregoing, Applicant believes that independent Claims 1 and 34 are in condition for allowance, and that all claims dependent thereupon, respectively, are allowable. Applicant further submits that the respective dependent claims are additionally allowable since such claims present further combinative features not taught by Ortiz et al.

Applicant notes that new independent Claim 45 corresponds with subject matter presented in Claims 1, 2, 4, and 5. As such, independent Claim 45, and Claims 46-54 dependent thereupon are allowable for the same reasons as independent Claims 1 and 34 above and due to further combinative features not taught by Ortiz et al. In the latter regard, the Applicant notes that the Examiner previously indicated that dependent Claim 5 would allowable if rewritten in independent form.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Thomas R. Marsh
Registration No. 31,039
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
Telephone: (303) 338-0997
Facsimile: (303) 338-1514

Date: 11/8/04



MESSAGE CONFIRMATION

11/08/2004 17:01

ID=MARSH FISCHMANN BREYFOGLE LLP

DATE	S,R-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
11/08	03:32"	USPTO	CALLING	12	OK 0000

11/08/2004

16:57

MARSH FISCHMANN BREYFOGLE LLP → 17038729306

ND. 733

001

MARSH FISCHMANN & BREYFOGLE LLP

Attorneys at Law

3151 S. Vaughn Way, Suite 411

Aurora, Colorado 80014

Telephone (303) 338-0997 • Facsimile (303) 338-1514

Date: November 8, 2004

To: U.S. Patent and Trademark Office

Attention: Group 3721, Examiner Brian D. Nash

Facsimile No.: (703) 872-9306

Client No.: 50012-00027

From: Thomas R. Marsh

Re: U.S. Divisional Patent Application No. 10/630,059 Entitled "METHOD, SYSTEM, AND APPARATUS FOR HANDLING, LABELING, FILLING AND CAPPING SYRINGES"
Our Reference: 50012-00027